

TOWN OF MERRILLVILLE  
TOWN COUNCIL MEETING  
November 12, 2014

**CALL TO ORDER:** 6:30 p.m.

**INVOCATION:** Mrs. Miano read the invocation.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

Mr. Widing was absent. All other (6) members were present.

**PETITIONS, COMMUNICATIONS, REMONSTRATIONS:**

Mr. Pettit made a motion to amend today's meeting agenda to include a motion to approve a quit claim deed in Old Business. The motion was seconded by Mr. Hardaway. The motion passed by a unanimous voice vote.

**CONSENT AGENDA:**

Approval of the Accounts Payable Register Voucher dated November 12, 2014.

Approval of Town Council Meeting Minutes of October 28, 2014. Mrs. Barron had a correction to the Town Council minutes regarding her motion related to insurance refunds. The motion should read as follows: Mrs. Barron made a motion to apply any insurance refund money that we have back to the insurance to provide better insurance, or to give back to the full time employees. Mr. Hardaway made a motion to accept the correction to the minutes. Mr. Spann seconded the motion. The motion was approved by a unanimous voice vote. Mr. Hardaway made a motion to approve the minutes with the correction and was seconded by Mr. Spann. The motion was approved by a unanimous voice vote.

**STANDING COMMITTEES:**

**BUDGET & FINANCE:**

Mr. Goralczyk had no report.

**PUBLIC WORKS:**

Mr. Pettit announce, with Mr. Spires confirmation, that the paving is complete. Leaf collection continues.

**COUNCIL AFFAIRS:**

Mr. Spann had no report.

**PERSONNEL POLICY & EMPLOYEE BENEFITS:**

Mr. Goralczyk had no report.

**PUBLIC SAFETY:**

Mr. Widing was absent. Fire Chief, Ed Yerga, gave an update on the new fire trucks. We've taken delivery on two pumper trucks and they are in service. One is at the 73<sup>rd</sup> Avenue Station, and one is at the Taft Street station. On Friday we will take delivery of the new engine for the 57<sup>th</sup> Avenue Station and early next week the tanker/pumper for the Ainsworth Station is due to arrive. By the first week of December all the new equipment should be in service.

**PARKS & RECREATION:**

Mr. Spann stated he had no report at this time. Mrs. Barron stated that there is a new subdivision coming in across the street from Sedona that's going to be behind the Indian Cultural Center and hopes that there's going to be a designated green area for park. We also need to start looking to see what we're going to do about getting a park over by Sedona because we have no parks in Ward 5. I've made phone calls; I just haven't had any called back, so I need to say it.

**ENVIRONMENTAL AFFAIRS:**

Mr. Goralczyk deferred to Matt Lake regarding a prestigious award. Mr. Lake announced we just received a special plaque from FEMA that recognizes the Town of Merrillville as an official CRS community. It reads "The Town of Merrillville successfully participates in the National Flood Insurance Program Community Rating System. The community has undertaken a series of meaningful activities to protect its citizens from losses caused by flooding and has significantly exceeded the requirements for NFIP participation and effective floodplain management." We ranked a seven which is the highest ranking in the state of Indiana, we're one of only twenty to twenty one CRS communities in the state of Indiana, and we are the first in Northwest Indiana accompanied now by Lake County and Dyer to become a CRS community. What this means is residents that have mandatory flood insurance are going to receive an automatic 15% reduction in their flood insurance premiums indefinitely. Every year he will submit paperwork to keep us compliant. Mr. Lake is also working on some drainage issues in Ross Meadow Farms. We will be working on sub engineering plans and preparations for a project this spring. He will be meeting with Metropolitan Pumps to review some specs for a proposed new stormwater lift station at 53<sup>rd</sup> Court.

Mr. Goralczyk added next month they will be attending a meeting for the Little Calumet River Basin Commission. We are whole-heartedly supporting that and it's part of our master plan to fund what we're doing up there.

**ELECTIONS & PUBLIC RELATIONS:**

Mrs. Miano had no report. Mr. Pettit had thanked his fellow councilman, Richard Hardaway for the fantastic job he did orchestrating the Veterans Day program, along with Mr. Schooler, the principal at St. Aquinas School and the

students for their involvement in the program. Secondly, coming up on November 22<sup>nd</sup> is the Crossroads Regional Chamber Gala where we will give out Police Officer of the Year and the Firefighter of the Year and the Business Woman of the Year awards at that event.

**ECONOMIC DEVELOPMENT:**

Mr. Goralczyk had no report.

**UTILITY LIAISON:**

Mrs. Barron talked with Theresa Proctor from Merrillville High School who runs the media program there. She was interested in knowing what the caps went for from the last program we had. Mrs. Barron told her it went to the 54<sup>th</sup> Rain Garden, which achieved two high honored awards. She's going to put that in the newsletter and also in the Merrillville School paper. She also informed Mrs. Barron about a geometry teacher that hung a bird cage in the cafeteria that was made entirely of recycled material for the caps to go into. Mrs. Barron also spoke with Jeanette Anderson, head of the photo club in the Arts Department, and she is definitely on board to help out with the tunnel.

**TOWN GOVERNMENT RE-ORGANIZATION:**

Mrs. Miano had no report.

**ADA COMPLIANCES:**

Mrs. Miano had no report.

**ABANDONED PROPERTIES:**

Mr. Hardaway told the Council about the meeting held earlier today. Mrs. Miano invited Kevin Hutnick, a sales rep for Bart Vickrey & Co. who shared a lot of information with us. Mr. Hardaway is sending a letter to State Rep. Vernon Smith and State Senator Lonnie Randolph inviting them to attend a meeting with the committee next month. We want to get their assistance by co-authoring a bill similar to one in place in Illinois that requires banks that foreclose on properties to keep sufficient electricity on in the building to run the sump pumps. A foreclosure preservation law would help not only Merrillville and northwest Indiana, but, the entire state of Indiana. Such a law would help preserve the value of the property. Mr. Pettit would like to add a requirement in the law to notify the local municipality when a foreclosure occurs.

**GENERAL ORDERS:**

**FIRST READING ORDINANCES:**

**Ord. 14-33:** An Ordinance of the Town of Merrillville, Lake County, Indiana, creating an unsafe/blighted property fund (retroactive to 9-4-14) and transferring previous lien monies into said fund. Mr. Hardaway made a motion to approve and it was seconded by Mr. Pettit. There was no discussion. The motion was approved by a roll call vote, 6/0.

**Ord. 14-34:** An Ordinance of the Town of Merrillville, Lake County, Indiana, appropriating additional monies within the LOIT (Local Option Income Tax) public safety fund for the year 2014 not included in the current budget. Mr. Pettit made a motion to approve and it was seconded by Mr. Hardaway. There was no discussion. The motion was approved by a roll call vote, 6/0.

**SECOND READING ORDINANCES:**

**Ord. 14-31:** An Ordinance of the Town of Merrillville, Lake County, Indiana, appropriating additional monies within the Parks Fund for the year 2014 not included in the current budget in the amount of \$60,000. Mr. Hardaway made the motion to approve and Mr. Spann seconded the motion. There was no discussion. There was no public comment. The motion was approved by a roll call vote, 6/0.

**RESOLUTIONS:**

**Res. 14-49:** A resolution of the Town of Merrillville, Lake County, Indiana, transferring monies of the 2014 budget within the Broadway TIF fund. Mr. Pettit made a motion to approve the resolution and Mrs. Barron seconded the motion. There was no discussion. The motion was approved by a unanimous voice vote.

**Res. 14-50:** A resolution of the Town of Merrillville, Lake County, Indiana, transferring monies of the 2014 budget within the Mississippi Street TIF fund. Mr. Pettit made a motion to approve the resolution and Mrs. Barron seconded the motion. There was no discussion. The motion was approved by a unanimous voice vote.

**Res. 14-51:** A resolution of the Town of Merrillville, Lake County, Indiana, approving the issuance of certain Town of Merrillville Redevelopment District special taxing district bonds and other related matters. Mr. Pettit made a motion to approve the resolution and Mr. Spann seconded the motion. There was no discussion. The motion was approved by a unanimous voice vote.

**BZA ACTIONS:**

**Petitioner:** Region Clean Fill, LLC  
**Owner:** Estate of Walter David Reinhard  
**Request:** Special exception approval and variance of use approval on a combined 42.337 acres of A-1 & R-1 zoning districts.  
**Purpose:** For a proposed clean fill facility to be known as 73<sup>rd</sup> Avenue Clean Fill Facility  
**Location:** 4348-4360 West 73<sup>rd</sup> Avenue  
**Case#:** Z24E12-0814 (A-1 zoning)  
Z25uV3-0814 (R-1 zoning)

**Conditions:** It is necessary to hold a public meeting (The Public Meeting was held at the Merrillville Municipal Complex on October 7, 2014 at 5:00 p.m.)  
For this petitioner only, at this location only, for this use only  
Hours of operation for the facility to be from 6:00 a.m. until 7:00 p.m.  
Recycling hours to be limited to 8:00 a.m. to 7:00 p.m.

Approved by the Board of Zoning Appeals on August 27, 2014.

Jeff Ban, project engineer with DVG, representing Region Clean Fill, LLC, presented a written request from the petitioner to withdraw the petition. He expressed gratitude for all of the time and effort the Town has put forth regarding the petition.

A discussion, which is available on audio cassette tape and kept on file in the Clerk-Treasurer's office at the Town Hall, followed the withdrawal of the petition.

Mr. Pettit made a motion to deny petition Z24E12-0814 for the A-1 Special Exception for Region Clean Fill, LLC in the 4300 block of West 73<sup>rd</sup> Avenue. Mr. Hardaway seconded the motion. The motion carried by a unanimous voice vote.

Mr. Pettit made a motion to deny petition Z25uV3-0814 for the R-1 use variance for Region Clean Fill, LLC in the 4300 block of West 73<sup>rd</sup> Avenue. Mr. Hardaway seconded the motion. The motion carried by a unanimous voice vote.

Additional discussion followed the denial motions.

**OLD BUSINESS:**

Mr. Pettit made a motion to accept a quit claim deed as prepared by our Plan Commission attorney, Bill Touche, and vacate the parcels that are identified in the quit claim deed and return them back to the new owners of the Wickes property. Mr. Spann seconded the motion. The motion carried by a unanimous voice vote.

**NEW BUSINESS:**

None

**PUBLIC COMMENT:**

All public comment is recorded on cassette tape and kept on file in the Clerk-Treasurer's Office at Town Hall.

**ANNOUNCEMENTS:**

73<sup>rd</sup> Avenue/Madison Street reconstruction project public meeting, November 18, 2014 at 6:00  
Environmental Resource Committee meeting, November 20, 2014 at 2:00 p.m.  
Town Council meeting, November 25, 2014 at 6:30 p.m.

**ADJOURNMENT:**

A motion to adjourn was made by Mr. Pettit and seconded by Mr. Spann. The meeting was adjourned at 7:20 p.m.

---

**Carol Miano, President**

---

**Eugene Guernsey, Clerk-Treasurer**